

HOUSE SUBSTITUTE  
FOR  
HOUSE COMMITTEE SUBSTITUTE  
FOR  
HOUSE BILL NOS. 946, 1106, & 952

AN ACT

2 To repeal sections 21.795, 226.030, 226.060,  
3 226.527, 227.120, and 301.010, RSMo, and to  
4 enact in lieu thereof nine new sections  
5 relating to transportation, with an emergency  
6 clause.

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7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,  
8 AS FOLLOWS:

9 Section A. Sections 21.795, 226.030, 226.060, 226.527,  
10 227.120, and 301.010, RSMo, are repealed and nine new sections  
11 enacted in lieu thereof, to be known as sections 21.795, 226.030,  
12 226.060, 226.527, 227.120, 227.349, 238.208, 301.010, and 1, to  
13 read as follows:

14 21.795. 1. There is established a permanent joint  
15 committee of the general assembly to be known as the "Joint  
16 Committee on Transportation Oversight" to be composed of seven  
17 members of the standing transportation committees of both the  
18 senate and the house of representatives and three nonvoting ex  
19 officio members. Of the fourteen members to be appointed to the  
20 joint committee, the seven senate members of the joint committee  
21 shall be appointed by the president pro tem of the senate and

1 minority leader of the senate and the seven house members shall  
2 be appointed by the speaker of the house of representatives and  
3 the minority floor leader of the house of representatives. No  
4 major party shall be represented by more than four members from  
5 the house of representatives nor more than four members from the  
6 senate. The ex officio members shall be the state auditor, the  
7 director of the oversight division of the committee on  
8 legislative research, and the commissioner of the office of  
9 administration or the designee of such auditor, director or  
10 commissioner. The joint committee shall be chaired jointly by  
11 both chairs of the senate and house transportation committees. A  
12 majority of the committee shall constitute a quorum, but the  
13 concurrence of a majority of the members, other than the ex  
14 officio members, shall be required for the determination of any  
15 matter within the committee's duties.

16 2. The transportation inspector general shall be appointed  
17 by majority vote of a group consisting of the speaker of the  
18 house of representatives, the minority floor leader of the house  
19 of representatives, the president pro tempore of the senate, and  
20 the minority floor leader of the senate. It shall be the duty of  
21 the inspector general to serve as the executive director of the  
22 joint committee on transportation oversight. The compensation of  
23 the inspector general and other personnel shall be paid from the  
24 joint contingent fund or jointly from the senate and house  
25 contingent funds until an appropriation is made therefor. No

1 funds from highway user fees or other funds allocated for the  
2 operation of the department of transportation shall be used for  
3 the compensation of the inspector general and his or her staff.  
4 The joint committee inspector general initially appointed  
5 pursuant to this section shall take office January 1, 2004, for a  
6 term ending June 30, 2005. Subsequent joint committee on  
7 transportation oversight directors shall be appointed for  
8 five-year terms, beginning July 1, 2005. Any joint committee on  
9 transportation oversight inspector general whose term is expiring  
10 shall be eligible for reappointment. The inspector general of  
11 the joint committee on transportation oversight shall:

12 (1) Be qualified by training or experience in  
13 transportation policy, management of transportation  
14 organizations, accounting, auditing, financial analysis, law,  
15 management analysis, or public administration;

16 (2) Report to and be under the general supervision of the  
17 joint committee. The joint committee on transportation oversight  
18 shall, by a majority vote, direct the inspector general to  
19 perform specific investigations, reviews, audits, or other  
20 studies of the state department of transportation, in which  
21 instance the director shall report the findings and  
22 recommendations directly to the joint committee on transportation  
23 oversight. All investigations, reviews, audits, or other studies  
24 performed by the director shall be conducted so that the general  
25 assembly can procure information to assist it in formulating

1 transportation legislation and policy for this state;

2 (3) Receive and process citizen complaints relating to  
3 transportation issues. The inspector general shall, when  
4 necessary, submit a written complaint report to the joint  
5 committee on transportation oversight and the highways and  
6 transportation commission. The complaint report shall contain  
7 the date, time, nature of the complaint, and any immediate facts  
8 and circumstances surrounding the initial report of the  
9 complaint. The inspector general shall investigate a citizen  
10 complaint if he or she is directed to do so by a majority of the  
11 joint committee on transportation oversight;

12 (4) Investigate complaints from current and former  
13 employees of the department of transportation if the inspector  
14 general receives information from an employee which shows:

15 (a) The department is violating a law, rule, or regulation;

16 (b) Gross mismanagement by department officers;

17 (c) Waste of funds by the department;

18 (d) That the department is engaging in activities which  
19 pose a danger to public health and safety;

20 (5) Maintain confidentiality with respect to all matters  
21 and the identities of the complainants or witnesses coming before  
22 the inspector general except insofar as disclosures may be  
23 necessary to enable the inspector general to carry out duties and  
24 to support recommendations;

25 (6) Maintain records of all investigations conducted,

1 including any record or document or thing, any summary, writing,  
2 complaint, data of any kind, tape or video recordings, electronic  
3 transmissions, e-mail, or other paper or electronic documents,  
4 records, reports, digital recordings, photographs, software  
5 programs and software, expense accounts, phone logs, diaries,  
6 travel logs, or other things, including originals or copies of  
7 any of the above. Records of investigations by the inspector  
8 general shall be an "investigative report" of law enforcement  
9 agency pursuant to the provisions of section 610.100, RSMo. As  
10 provided in such section, such records shall be a closed record  
11 until the investigation becomes inactive. If the inspector  
12 general refers a violation of law to the appropriate prosecuting  
13 attorney or the attorney general, such records shall be  
14 transmitted with the referral. If the inspector general finds no  
15 violation of law or determines not to refer the subject of the  
16 investigation to the appropriate prosecuting attorney or the  
17 attorney general regarding matters referred to the appropriate  
18 prosecuting attorney or the attorney general and the statute of  
19 limitations expires without any action being filed, the record  
20 shall remain closed. As provided in section 610.100, RSMo, any  
21 person may bring an action pursuant to this section in the  
22 circuit court having jurisdiction to authorize disclosure of  
23 information in the records of the inspector general which would  
24 otherwise be closed pursuant to this section. Any disclosure of  
25 records by the inspector general in violation of this section

1 shall be grounds for a suit brought by any individual, person, or  
2 corporation to recover damages, and upon award to the plaintiff  
3 reasonable attorney's fees.

4 3. The department of transportation shall submit a written  
5 report prior to November tenth of each year to the governor,  
6 lieutenant governor, and every member of the senate and house of  
7 representatives. The report shall be posted to the department's  
8 Internet website so that general assembly members may elect to  
9 access a copy of the report electronically. The written report  
10 shall contain the following:

11 (1) A comprehensive financial report of all funds for the  
12 preceding state fiscal year which shall include a report by  
13 independent certified public accountants, selected by the  
14 commissioner of the office of administration, attesting that the  
15 financial statements present fairly the financial position of the  
16 department in conformity with generally accepted government  
17 accounting principles. This report shall include amounts of:

18 (a) State revenues by sources, including all new state  
19 revenue derived from highway users which results from action of  
20 the general assembly or voter-approved measures taken after  
21 August 28, 2003, and projects funded in whole or in part from  
22 such new state revenue, and amounts of federal revenues by  
23 source;

24 (b) Any other revenues available to the department by  
25 source;

1           (c) Funds appropriated, the amount the department has  
2 budgeted and expended for the following: contracts, right-of-way  
3 purchases, preliminary and construction engineering, maintenance  
4 operations and administration;

5           (d) Total state and federal revenue compared to the revenue  
6 estimate in the fifteen-year highway plan as adopted in 1992.

7 All expenditures made by, or on behalf of, the department for  
8 personal services including fringe benefits, all categories of  
9 expense and equipment, real estate purchases, and capital  
10 improvements shall be assigned to the categories listed in this  
11 subdivision in conformity with generally accepted government  
12 accounting principles. The report shall include information  
13 concerning the department's system of inventory of records  
14 relating to real property owned by the department and a  
15 description of all real estate transactions engaged in by the  
16 department for the preceding state fiscal year, including but not  
17 limited to the date of each transaction, the source of revenue  
18 used by the department for each transaction, and the allocation  
19 of any income produced by the real estate;

20           (2) A detailed explanation of the methods or criteria  
21 employed to select construction projects, including a listing of  
22 any new or reprioritized projects not mentioned in a previous  
23 report, and an explanation as to how the new or reprioritized  
24 projects meet the selection methods or criteria;

1           (3) The proposed allocation and expenditure of moneys and  
2 the proposed work plan for the current fiscal year, at least the  
3 next four years, and for any period of time expressed in any  
4 public transportation plan approved by either the general  
5 assembly or by the voters of Missouri. This proposed allocation  
6 and expenditure of moneys shall include the amounts of proposed  
7 allocation and expenditure of moneys in each of the categories  
8 listed in subdivision (1) of this subsection;

9           (4) The amounts which were planned, estimated and expended  
10 for projects in the state highway and bridge construction program  
11 or any other projects relating to other modes of transportation  
12 in the preceding state fiscal year and amounts which have been  
13 planned, estimated or expended by project for construction work  
14 in progress;

15           (5) The current status as to completion, by project, of the  
16 fifteen-year road and bridge program adopted in 1992. The first  
17 written report submitted pursuant to this section shall include  
18 the original cost estimate, updated estimate and final completed  
19 cost by project. Each written report submitted thereafter shall  
20 include the cost estimate at the time the project was placed on  
21 the most recent five-year highway and bridge construction plan  
22 and the final completed cost by project;

23           (6) The reasons for cost increases or decreases exceeding  
24 five million dollars or ten percent relative to cost estimates  
25 and final completed costs for projects in the state highway and



1 bridge construction program or any other projects relating to  
2 other modes of transportation completed in the preceding state  
3 fiscal year. Cost increases or decreases shall be determined by  
4 comparing the cost estimate at the time the project was placed on  
5 the most recent five-year highway and bridge construction plan  
6 and the final completed cost by project. The reasons shall  
7 include the amounts resulting from inflation, departmentwide  
8 design changes, changes in project scope, federal mandates, or  
9 other factors;

10 (7) Specific recommendations for any statutory or  
11 regulatory changes necessary for the efficient and effective  
12 operation of the department;

13 (8) An accounting of the total amount of state, federal and  
14 earmarked federal highway funds expended in each district of the  
15 department of transportation; and

16 (9) Any further information specifically requested by the  
17 joint committee on transportation oversight.

18 4. Prior to December first of each year, the committee  
19 shall hold an annual meeting and call before its members,  
20 officials or employees of the state highways and transportation  
21 commission or department of transportation, as determined by the  
22 committee, for the sole purpose of receiving and examining the  
23 report required pursuant to subsection 3 of this section. The  
24 joint committee may also call before its members at the annual  
25 meeting, the inspector general of the joint committee on

1 transportation oversight for purposes authorized in this section.  
2 The committee shall not have the power to modify projects or  
3 priorities of the state highways and transportation commission or  
4 department of transportation. The committee may make  
5 recommendations to the state highways and transportation  
6 commission or the department of transportation. Disposition of  
7 those recommendations shall be reported by the commission or the  
8 department to the joint committee on transportation oversight.

9 5. In addition to the annual meeting required by subsection  
10 4 of this section, the committee shall meet two times each year.  
11 The co-chairs of the committee shall establish an agenda for each  
12 meeting that may include, but not be limited to, the following  
13 items to be discussed with the committee members throughout the  
14 year during the scheduled meeting:

15 (1) Presentation of a prioritized plan for all modes of  
16 transportation;

17 (2) Discussion of department efficiencies and expenditure  
18 of cost-savings within the department;

19 (3) Presentation of a status report on department of  
20 transportation revenues and expenditures, including a detailed  
21 summary of projects funded by new state revenue as provided in  
22 paragraph (a) of subdivision (1) of subsection 3 of this section;

23 (4) Review of any report from the joint committee inspector  
24 general; and

25 (5) Implementation of any actions as may be deemed

1       necessary by the committee as authorized by law.

2       The co-chairs of the committee may call special meetings of the  
3       committee with ten days' notice to the members of the committee,  
4       the director of the department of transportation, and the  
5       department of transportation.

6             6. The committee shall submit records of its meetings to  
7       the secretary of the senate and the chief clerk of the house of  
8       representatives in accordance with sections 610.020 and 610.023,  
9       RSMo.

10            226.030. 1. The [state] highways and transportation  
11       commission shall consist of six members, who shall be appointed  
12       by the governor, by and with the advice and consent of the  
13       senate, not more than three thereof to be members of the same  
14       political party. Each commissioner shall be a taxpayer and  
15       resident of state for at least five years prior to his  
16       appointment. Any commissioner may be removed by the governor if  
17       fully satisfied of his inefficiency, neglect of duty, or  
18       misconduct in office. Commissioners appointed pursuant to this  
19       section shall be appointed for terms of six years, except as  
20       otherwise provided in this subsection. Upon the expiration of  
21       each of the foregoing terms of these commissioners a successor  
22       shall be appointed for a term of six years or until his successor  
23       is appointed and qualified which term of six years shall  
24       thereafter be the length of term of each member of the commission

1 unless removed as above provided. The members of the commission  
2 shall receive as compensation for their services twenty-five  
3 dollars per day for the time spent in the performance of their  
4 official duties, and also their necessary traveling and other  
5 expenses incurred while actually engaged in the discharge of  
6 their official duties. Members whose terms otherwise expire  
7 December 1, 2003, shall serve with terms expiring March 1, 2004,  
8 and new members or the members reappointed shall be appointed for  
9 terms expiring March 1, 2005; a member whose term otherwise  
10 expires December 1, 2005, shall serve with a term expiring March  
11 1, 2007; a member whose term otherwise expires December 1, 2007,  
12 shall serve with a term expiring March 1, 2009; and one member  
13 whose term otherwise expires October 13, 2007, shall serve with a  
14 term expiring March 1, 2007; and one member whose term otherwise  
15 expires October 13, 2007, shall serve with a term expiring March  
16 1, 2009. If a vacancy occurs in any term of a commissioner due  
17 to death, resignation, or removal, a successor shall be appointed  
18 for only the remainder of the unexpired term.

19 2. Beginning August 28, [2003, when two members of the  
20 state highways and transportation commission are within two years  
21 of expiration of their terms, the commission shall appoint one of  
22 those two members as chair of the commission and the other as  
23 vice chair, each to serve in such position for one year.] 2004,  
24 the two members of the commission, one each from opposing  
25 political parties, who have the most seniority in commission

1 service shall serve as commission leadership with one member as  
2 chair and the other member as vice chair, respectively, for terms  
3 ending March 1, 2005. The commission shall elect one of the  
4 members as chair and the other as vice chair. Effective March 1,  
5 2005, the commission shall elect the two members of the  
6 commission, one from each opposing political party who has the  
7 most seniority in commission service, who shall serve as  
8 commission leadership with one member as chair and the other  
9 member as vice chair, respectively, for one year. At the end of  
10 such year, the member currently serving as chair shall then serve  
11 as vice chair, and the member currently serving as vice chair  
12 shall serve as chair, each to serve in such position for one  
13 year. Thereafter, commission leadership shall continue to rotate  
14 accordingly with the two members from opposing political parties  
15 who have the most seniority in terms of commission service being  
16 elected by the commission to serve as commission leadership. If  
17 one of the commission leadership offices becomes vacant due to  
18 death, resignation, removal, or refusal to serve before the one-  
19 year leadership term expires, the commission shall elect one of  
20 its members that is of the same political party as the vacating  
21 officer to serve the remainder of the vacating officer's  
22 leadership term. Such election shall not prohibit that member  
23 from later serving as chair and vice chair when such member's  
24 seniority in commission service qualifies him or her for those  
25 offices as provided in this subsection. At the end of such year,

1 the member currently serving as chair shall then serve as vice  
2 chair, and the member currently serving as vice chair shall serve  
3 as chair, each to serve in such position for one year.

4 3. No more than one-half of the members of the [state  
5 highways and transportation] commission shall be of the same  
6 political party. The selection and removal of all employees of  
7 the department of [highways and] transportation shall be without  
8 regard to political affiliation.

9 4. The present members of the [state highways and  
10 transportation] commission shall continue to serve as members of  
11 the [state highways and transportation] commission for the  
12 remainder of the terms for which they were appointed, except as  
13 provided in subsection 1 of this section.

14 5. The director of the department of transportation shall,  
15 by February fifteenth of each year, present an annual state of  
16 the state of transportation to a joint session of the general  
17 assembly. The six members of the [state highways and  
18 transportation] commission shall be present and available at such  
19 presentations for questions by members. The transportation  
20 inspector general may also be present and report to the general  
21 assembly on any matter of concern within his or her statutory  
22 authority. The provisions of this subsection shall expire August  
23 28, 2008.

24 6. Any member reappointed shall only be eligible to serve  
25 as chair or vice chair during the final two years of such

1     member's reappointment.

2             226.060. The [state highways and transportation commission]  
3     director of the department of transportation shall select and fix  
4     the salary of a chief counsel who shall possess the same  
5     qualifications as judges of the supreme court and who shall serve  
6     at the pleasure of the [commission] director and shall appear for  
7     and represent the commission in all actions and proceedings under  
8     chapters 226 and 227, RSMo, or any other law administered by the  
9     commission, or in any decision, order or proceeding of the  
10    commission, or of the director and shall commence, prosecute or  
11    defend all actions or proceedings authorized or requested by the  
12    commission or to which the commission is a party and shall advise  
13    the commission or the director, when requested, in all matters in  
14    connection with the organization, powers and duties of the  
15    commission or the powers and duties of the director. The chief  
16    counsel shall, with the consent of the [commission] director,  
17    appoint such assistant attorneys as the [commission] director may  
18    deem necessary and their salaries shall be fixed by the  
19    [commission] director. The chief counsel's office [of the  
20    commission] shall be furnished offices in the department of  
21    transportation building.

22             226.527. 1. On and after August 13, 1976, no outdoor  
23    advertising shall be erected or maintained beyond six hundred and  
24    sixty feet of the right-of-way, located outside of urban areas,  
25    visible from the main traveled way of the interstate or primary

1 system and erected with the purpose of its message being read  
2 from such traveled way, except such outdoor advertising as is  
3 defined in subdivisions (1) and (2) of section 226.520.

4 2. No compensation shall be paid for the removal of any  
5 sign erected in violation of subsection 1 of this section unless  
6 otherwise authorized or permitted by sections 226.501 to 226.580.  
7 No sign erected prior to August 13, 1976, which would be in  
8 violation of this section if it were erected or maintained after  
9 August 13, 1976, shall be removed unless such removal is required  
10 by the Secretary of Transportation and federal funds required to  
11 be contributed to this state under section 131(g) of Title 23,  
12 United States Code, to pay compensation for such removal have  
13 been appropriated and allocated and are immediately available to  
14 this state, and in such event, such sign shall be removed  
15 pursuant to section 226.570.

16 3. In the event any portion of this chapter is found in  
17 noncompliance with Title 23, United States Code, section 131, by  
18 the Secretary of Transportation or his representative, and any  
19 portion of federal-aid highway funds or funds authorized for  
20 removal of outdoor advertising are withheld, or declared  
21 forfeited by the Secretary of Transportation or his  
22 representative, all removal of outdoor advertising by the  
23 Missouri state highways and transportation commission pursuant to  
24 this chapter shall cease, and shall not be resumed until such  
25 funds are restored in full. Such cessation of removal shall not



1 be construed to affect compensation for outdoor advertising  
2 removed or in the process of removal pursuant to this chapter.

3 4. In addition to any applicable regulations set forth in  
4 sections 226.500 through 226.600, signs within an area subject to  
5 control by a local zoning authority and wherever located within  
6 such area shall be subject to reasonable regulations of that  
7 local zoning authority relative to size, lighting, spacing, and  
8 location; provided, however, that no local zoning authority shall  
9 have authority to require any sign within its jurisdiction which  
10 was lawfully erected and which is maintained in good repair to be  
11 removed without the payment of just compensation. The  
12 requirement by a local zoning authority that a legally erected  
13 outdoor advertising structure be removed or altered as a  
14 condition or prerequisite for the issuance or continued  
15 effectiveness of a permit, license, or other approval for any  
16 use, structure, development, or activity other than outdoor  
17 advertising, including a request for rezoning, constitutes a  
18 compelled removal or alteration, which is prohibited without the  
19 payment of just compensation as required by this subsection.

20 227.120. 1. The state highways and transportation  
21 commission shall have power to purchase, lease, or condemn, lands  
22 in the name of the state of Missouri for the following purposes  
23 when necessary for the proper and economical construction and  
24 maintenance of state highways:

25 (1) Acquiring the right-of-way for the location,

1 construction, reconstruction, widening, improvement or  
2 maintenance of any state highway or any part thereof;

3 (2) Acquiring bridges or sites therefor and ferries,  
4 including the rights and franchises for the maintenance and  
5 operation thereof, over navigable streams, at such places as the  
6 state highways and transportation commission shall have authority  
7 to construct, acquire or contribute to the cost of construction  
8 of any bridge;

9 (3) Acquiring the right-of-way for the location,  
10 construction, reconstruction, widening, improvement or  
11 maintenance of any highway ordered built by the bureau of public  
12 roads of the Department of Agriculture of the United States  
13 government;

14 (4) Obtaining road building or road maintenance materials  
15 or plants for the manufacture or production of such materials and  
16 acquiring the right-of-way thereto; also acquiring the  
17 right-of-way to such plants as are privately owned when necessary  
18 for the proper and economical construction of the state highway  
19 system;

20 (5) Changing gradients in any state highway;

21 (6) Establishing detours in connection with the location,  
22 construction, reconstruction, widening, improvement or  
23 maintenance of any state highway or any part thereof;

24 (7) Changing the channels of any stream and providing for  
25 drainage ditches when necessary for the proper construction or

1 maintenance of any state highway;

2 (8) Eliminating grade crossings;

3 (9) Acquiring water supply and water power sites and  
4 necessary lands for use in connection therewith, including  
5 rights-of-way to any such sites;

6 (10) Acquiring sites for garages and division offices and  
7 for storing materials, machinery and supplies;

8 (11) Acquiring lands for sight distances along any state  
9 highway or any portion thereof whenever necessary, and also  
10 acquiring lands within wyes formed by junctions of state  
11 highways, or junctions of state highways and other public  
12 highways;

13 (12) Acquiring lands or interests therein for the purpose  
14 of depositing thereon excess excavated, or other materials  
15 produced in the construction, reconstruction, widening,  
16 improvement or maintenance of any state highway;

17 (13) Acquiring lands for any other purpose necessary for  
18 the proper and economical construction of the state highway  
19 system for which the commission may have authority granted by  
20 law. If condemnation becomes necessary, the commission shall  
21 have the power to proceed to condemn such lands in the name of  
22 the state of Missouri, in accordance with the provisions of  
23 chapter 523, RSMo, insofar as the same is applicable to the said  
24 state highways and transportation commission, and the court or  
25 jury shall take into consideration the benefits to be derived by

1 the owner, as well as the damage sustained thereby. The state  
2 highways and transportation commission also shall have the same  
3 authority to enter upon private lands to survey and determine the  
4 most advantageous route of any state highway as granted, under  
5 section 388.210, RSMo, to railroad corporations.

6 2. In any case in which the commission exercises eminent  
7 domain involving a taking of real estate, the court,  
8 commissioners, and jury shall consider the restriction of or loss  
9 of access to any adjacent highway as an element in assessing the  
10 damages. As used in this subsection, "restriction of or loss of  
11 access" includes, but is not limited to, the prohibition of  
12 making right or left turns into or out of the real estate  
13 involved, provided that such access was present before the  
14 proposed improvement or taking.

15 227.349. The portion of state highway J in Lincoln County  
16 from the intersection of state highway J and state highway 47 to  
17 the intersection of state highway J and state highway U shall be  
18 named the "Veterans Highway".

19 238.208. The owners of property adjacent to a  
20 transportation district formed under the Missouri transportation  
21 development district act and the existing owners of property  
22 within said district may petition the court by unanimous petition  
23 to add the above described adjacent property to the district.  
24 Any property added under this section shall be subject to all  
25 projects, taxes, and special assessments in effect as of the date

1 of the court order adding the property to the district. The  
2 owners of the added property shall be allowed to vote at the next  
3 election scheduled for the district to fill vacancies on the  
4 board and on any other question submitted to them by the board  
5 under this chapter. The owners of property added under this  
6 section shall have one vote per acre in the same manner as  
7 provided in subdivision (2) of subsection 2 of section 238.220.

8 301.010. As used in this chapter and sections 304.010 to  
9 304.040, 304.120 to 304.260, RSMo, and sections 307.010 to  
10 307.175, RSMo, the following terms mean:

11 (1) "All-terrain vehicle", any motorized vehicle  
12 manufactured and used exclusively for off-highway use which is  
13 fifty inches or less in width, with an unladen dry weight of six  
14 hundred pounds or less, traveling on three, four or more low  
15 pressure tires, with a seat designed to be straddled by the  
16 operator, and handlebars for steering control;

17 (2) "Automobile transporter", any vehicle combination  
18 designed and used specifically for the transport of assembled  
19 motor vehicles;

20 (3) "Axle load", the total load transmitted to the road by  
21 all wheels whose centers are included between two parallel  
22 transverse vertical planes forty inches apart, extending across  
23 the full width of the vehicle;

24 (4) "Boat transporter", any vehicle combination designed  
25 and used specifically to transport assembled boats and boat

1 hulls;

2 (5) "Body shop", a business that repairs physical damage on  
3 motor vehicles that are not owned by the shop or its officers or  
4 employees by mending, straightening, replacing body parts, or  
5 painting;

6 (6) "Bus", a motor vehicle primarily for the transportation  
7 of a driver and eight or more passengers but not including  
8 shuttle buses;

9 (7) "Commercial motor vehicle", a motor vehicle designed or  
10 regularly used for carrying freight and merchandise, or more than  
11 eight passengers but not including vanpools or shuttle buses;

12 (8) "Cotton trailer", a trailer designed and used  
13 exclusively for transporting cotton at speeds less than forty  
14 miles per hour from field to field or from field to market and  
15 return;

16 (9) "Dealer", any person, firm, corporation, association,  
17 agent or subagent engaged in the sale or exchange of new, used or  
18 reconstructed motor vehicles or trailers;

19 (10) "Director" or "director of revenue", the director of  
20 the department of revenue;

21 (11) "Driveaway operation", the movement of a motor vehicle  
22 or trailer by any person or motor carrier other than a dealer  
23 over any public highway, under its own power singly, or in a  
24 fixed combination of two or more vehicles, for the purpose of  
25 delivery for sale or for delivery either before or after sale;

1           (12) "Dromedary", a box, deck, or plate mounted behind the  
2 cab and forward of the fifth wheel on the frame of the power unit  
3 of a truck tractor-semitrailer combination. A truck tractor  
4 equipped with a dromedary may carry part of a load when operating  
5 independently or in a combination with a semitrailer;

6           (13) "Farm tractor", a tractor used exclusively for  
7 agricultural purposes;

8           (14) "Fleet", any group of ten or more motor vehicles owned  
9 by the same owner;

10          (15) "Fleet vehicle", a motor vehicle which is included as  
11 part of a fleet;

12          (16) "Fullmount", a vehicle mounted completely on the frame  
13 of either the first or last vehicle in a saddlemount combination;

14          (17) "Gross weight", the weight of vehicle and/or vehicle  
15 combination without load, plus the weight of any load thereon;

16          (18) "Hail-damaged vehicle", any vehicle, the body of which  
17 has become dented as the result of the impact of hail;

18          (19) "Highway", any public thoroughfare for vehicles,  
19 including state roads, county roads and public streets, avenues,  
20 boulevards, parkways or alleys in any municipality;

21          (20) "Improved highway", a highway which has been paved  
22 with gravel, macadam, concrete, brick or asphalt, or surfaced in  
23 such a manner that it shall have a hard, smooth surface;

24          (21) "Intersecting highway", any highway which joins  
25 another, whether or not it crosses the same;

1           (22) "Junk vehicle", a vehicle which is incapable of  
2           operation or use upon the highways and has no resale value except  
3           as a source of parts or scrap, and shall not be titled or  
4           registered;

5           (23) "Kit vehicle", a motor vehicle assembled by a person  
6           other than a generally recognized manufacturer of motor vehicles  
7           by the use of a glider kit or replica purchased from an  
8           authorized manufacturer and accompanied by a manufacturer's  
9           statement of origin;

10          (24) "Land improvement contractors' commercial motor  
11          vehicle", any not-for-hire commercial motor vehicle the operation  
12          of which is confined to:

13               (a) An area that extends not more than a radius of one  
14               hundred miles from its home base of operations when transporting  
15               its owner's machinery, equipment, or auxiliary supplies to or  
16               from projects involving soil and water conservation, or to and  
17               from equipment dealers' maintenance facilities for maintenance  
18               purposes; or

19               (b) An area that extends not more than a radius of  
20               twenty-five miles from its home base of operations when  
21               transporting its owner's machinery, equipment, or auxiliary  
22               supplies to or from projects not involving soil and water  
23               conservation. Nothing in this subdivision shall be construed to  
24               prevent any motor vehicle from being registered as a commercial  
25               motor vehicle or local commercial motor vehicle;



1           (25) "Local commercial motor vehicle", a commercial motor  
2 vehicle whose operations are confined solely to a municipality  
3 and that area extending not more than fifty miles therefrom, or a  
4 commercial motor vehicle whose property-carrying operations are  
5 confined solely to the transportation of property owned by any  
6 person who is the owner or operator of such vehicle to or from a  
7 farm owned by such person or under the person's control by virtue  
8 of a landlord and tenant lease; provided that any such property  
9 transported to any such farm is for use in the operation of such  
10 farm;

11           (26) "Local log truck", a commercial motor vehicle which is  
12 registered pursuant to this chapter to operate as a motor vehicle  
13 on the public highways of this state, used exclusively in this  
14 state, used to transport harvested forest products, operated  
15 solely at a forested site and in an area extending not more than  
16 a fifty-mile radius from such site, carries a load with  
17 dimensions not in excess of twenty-five cubic yards per two axles  
18 with dual wheels, and is not operated on the national system of  
19 interstate and defense highways described in Title 23, Section  
20 103(e) of the United States Code, does not have more than four  
21 axles and does not pull a trailer which has more than two axles.  
22 A local log truck may not exceed the limits required by law,  
23 however, if the truck does exceed such limits as determined by  
24 the inspecting officer, then notwithstanding any other provisions  
25 of law to the contrary, such truck shall be subject to the weight

1 limits required by such sections as licensed for eighty thousand  
2 pounds;

3 (27) "Local log truck tractor", a commercial motor vehicle  
4 which is registered under this chapter to operate as a motor  
5 vehicle on the public highways of this state, used exclusively in  
6 this state, used to transport harvested forest products, operated  
7 solely at a forested site and in an area extending not more than  
8 a fifty-mile radius from such site, operates with a weight not  
9 exceeding twenty-two thousand four hundred pounds on one axle or  
10 with a weight not exceeding forty-four thousand eight hundred  
11 pounds on any tandem axle, is not operated on the national system  
12 of interstate and defense highways described in Title 23, Section  
13 103(e) of the United States Code, and does not have more than  
14 three axles and does not pull a trailer which has more than two  
15 axles;

16 (28) "Local transit bus", a bus whose operations are  
17 confined wholly within a municipal corporation, or wholly within  
18 a municipal corporation and a commercial zone, as defined in  
19 section 390.020, RSMo, adjacent thereto, forming a part of a  
20 public transportation system within such municipal corporation  
21 and such municipal corporation and adjacent commercial zone;

22 [(28)] (29) "Log truck", a vehicle which is not a local log  
23 truck and is used exclusively to transport harvested forest  
24 products to and from forested sites which is registered pursuant  
25 to this chapter to operate as a motor vehicle on the public

1 highways of this state for the transportation of harvested forest  
2 products;

3 [(29)] (30) "Major component parts", the rear clip, cowl,  
4 frame, body, cab, front-end assembly, and front clip, as those  
5 terms are defined by the director of revenue pursuant to rules  
6 and regulations or by illustrations;

7 [(30)] (31) "Manufacturer", any person, firm, corporation  
8 or association engaged in the business of manufacturing or  
9 assembling motor vehicles, trailers or vessels for sale;

10 [(31)] (32) "Mobile scrap processor", a business located in  
11 Missouri or any other state that comes onto a salvage site and  
12 crushes motor vehicles and parts for transportation to a shredder  
13 or scrap metal operator for recycling;

14 [(32)] (33) "Motor change vehicle", a vehicle manufactured  
15 prior to August, 1957, which receives a new, rebuilt or used  
16 engine, and which used the number stamped on the original engine  
17 as the vehicle identification number;

18 [(33)] (34) "Motor vehicle", any self-propelled vehicle not  
19 operated exclusively upon tracks, except farm tractors;

20 [(34)] (35) "Motor vehicle primarily for business use", any  
21 vehicle other than a recreational motor vehicle, motorcycle,  
22 motortricycle, or any commercial motor vehicle licensed for over  
23 twelve thousand pounds:

24 (a) Offered for hire or lease; or

25 (b) The owner of which also owns ten or more such motor

1 vehicles;

2 [(35)] (36) "Motorcycle", a motor vehicle operated on two  
3 wheels;

4 [(36)] (37) "Motorized bicycle", any two-wheeled or  
5 three-wheeled device having an automatic transmission and a motor  
6 with a cylinder capacity of not more than fifty cubic  
7 centimeters, which produces less than three gross brake  
8 horsepower, and is capable of propelling the device at a maximum  
9 speed of not more than thirty miles per hour on level ground;

10 [(37)] (38) "Motortricycle", a motor vehicle operated on  
11 three wheels, including a motorcycle while operated with any  
12 conveyance, temporary or otherwise, requiring the use of a third  
13 wheel. A motortricycle shall not be included in the definition  
14 of all-terrain vehicle;

15 [(38)] (39) "Municipality", any city, town or village,  
16 whether incorporated or not;

17 [(39)] (40) "Nonresident", a resident of a state or country  
18 other than the state of Missouri;

19 [(40)] (41) "Non-USA-std motor vehicle", a motor vehicle  
20 not originally manufactured in compliance with United States  
21 emissions or safety standards;

22 [(41)] (42) "Operator", any person who operates or drives a  
23 motor vehicle;

24 [(42)] (43) "Owner", any person, firm, corporation or  
25 association, who holds the legal title to a vehicle or in the

1 event a vehicle is the subject of an agreement for the  
2 conditional sale or lease thereof with the right of purchase upon  
3 performance of the conditions stated in the agreement and with an  
4 immediate right of possession vested in the conditional vendee or  
5 lessee, or in the event a mortgagor of a vehicle is entitled to  
6 possession, then such conditional vendee or lessee or mortgagor  
7 shall be deemed the owner for the purpose of this law;

8 [(43)] (44) "Public garage", a place of business where  
9 motor vehicles are housed, stored, repaired, reconstructed or  
10 repainted for persons other than the owners or operators of such  
11 place of business;

12 [(44)] (45) "Rebuilder", a business that repairs or  
13 rebuilds motor vehicles owned by the rebuilder, but does not  
14 include certificated common or contract carriers of persons or  
15 property;

16 [(45)] (46) "Reconstructed motor vehicle", a vehicle that  
17 is altered from its original construction by the addition or  
18 substitution of two or more new or used major component parts,  
19 excluding motor vehicles made from all new parts, and new  
20 multistage manufactured vehicles;

21 [(46)] (47) "Recreational motor vehicle", any motor vehicle  
22 designed, constructed or substantially modified so that it may be  
23 used and is used for the purposes of temporary housing quarters,  
24 including therein sleeping and eating facilities which are either  
25 permanently attached to the motor vehicle or attached to a unit

1 which is securely attached to the motor vehicle. Nothing herein  
2 shall prevent any motor vehicle from being registered as a  
3 commercial motor vehicle if the motor vehicle could otherwise be  
4 so registered;

5 [(47)] (48) "Rollback or car carrier", any vehicle  
6 specifically designed to transport wrecked, disabled or otherwise  
7 inoperable vehicles, when the transportation is directly  
8 connected to a wrecker or towing service;

9 [(48)] (49) "Saddlemount combination", a combination of  
10 vehicles in which a truck or truck tractor tows one or more  
11 trucks or truck tractors, each connected by a saddle to the frame  
12 or fifth wheel of the vehicle in front of it. The "saddle" is a  
13 mechanism that connects the front axle of the towed vehicle to  
14 the frame or fifth wheel of the vehicle in front and functions  
15 like a fifth wheel kingpin connection. When two vehicles are  
16 towed in this manner the combination is called a double  
17 saddlemount combination. When three vehicles are towed in this  
18 manner, the combination is called a triple saddlemount  
19 combination;

20 [(49)] (50) "Salvage dealer and dismantler", a business  
21 that dismantles used motor vehicles for the sale of the parts  
22 thereof, and buys and sells used motor vehicle parts and  
23 accessories;

24 [(50)] (51) "Salvage vehicle", a motor vehicle, semitrailer  
25 or house trailer which, by reason of condition or circumstance,

1 has been declared salvage, either by its owner, or by a person,  
2 firm, corporation, or other legal entity exercising the right of  
3 security interest in it, or by an insurance company as a result  
4 of settlement of a claim for loss due to damage or theft; or a  
5 vehicle, ownership of which is evidenced by a salvage title; or  
6 abandoned property which is titled pursuant to section 304.155,  
7 RSMo, or section 304.157, RSMo, and designated with the words  
8 "salvage/abandoned property";

9 [(51)] (52) "School bus", any motor vehicle used solely to  
10 transport students to or from school or to transport students to  
11 or from any place for educational purposes;

12 [(52)] (53) "Shuttle bus", a motor vehicle used or  
13 maintained by any person, firm, or corporation as an incidental  
14 service to transport patrons or customers of the regular business  
15 of such person, firm, or corporation to and from the place of  
16 business of the person, firm, or corporation providing the  
17 service at no fee or charge. Shuttle buses shall not be  
18 registered as buses or as commercial motor vehicles;

19 [(53)] (54) "Special mobile equipment", every  
20 self-propelled vehicle not designed or used primarily for the  
21 transportation of persons or property and incidentally operated  
22 or moved over the highways, including farm equipment, implements  
23 of husbandry, road construction or maintenance machinery,  
24 ditch-digging apparatus, stone crushers, air compressors, power  
25 shovels, cranes, graders, rollers, well-drillers and wood-sawing

1 equipment used for hire, asphalt spreaders, bituminous mixers,  
2 bucket loaders, ditchers, leveling graders, finished machines,  
3 motor graders, road rollers, scarifiers, earth-moving carryalls,  
4 scrapers, drag lines, concrete pump trucks, rock-drilling and  
5 earth-moving equipment. This enumeration shall be deemed partial  
6 and shall not operate to exclude other such vehicles which are  
7 within the general terms of this section;

8 [(54)] (55) "Specially constructed motor vehicle", a motor  
9 vehicle which shall not have been originally constructed under a  
10 distinctive name, make, model or type by a manufacturer of motor  
11 vehicles. The term "specially constructed motor vehicle"  
12 includes kit vehicles;

13 [(55)] (56) "Stinger-steered combination", a truck  
14 tractor-semitrailer wherein the fifth wheel is located on a drop  
15 frame located behind and below the rearmost axle of the power  
16 unit;

17 [(56)] (57) "Tandem axle", a group of two or more axles,  
18 arranged one behind another, the distance between the extremes of  
19 which is more than forty inches and not more than ninety-six  
20 inches apart;

21 [(57)] (58) "Tractor", "truck tractor" or "truck-tractor",  
22 a self-propelled motor vehicle designed for drawing other  
23 vehicles, but not for the carriage of any load when operating  
24 independently. When attached to a semitrailer, it supports a  
25 part of the weight thereof;



1           [(58)] (59) "Trailer", any vehicle without motive power  
2       designed for carrying property or passengers on its own structure  
3       and for being drawn by a self-propelled vehicle, except those  
4       running exclusively on tracks, including a semitrailer or vehicle  
5       of the trailer type so designed and used in conjunction with a  
6       self-propelled vehicle that a considerable part of its own weight  
7       rests upon and is carried by the towing vehicle. The term  
8       "trailer" shall not include cotton trailers as defined in  
9       subdivision (8) of this section and shall not include  
10      manufactured homes as defined in section 700.010, RSMo;

11          [(59)] (60) "Truck", a motor vehicle designed, used, or  
12      maintained for the transportation of property;

13          [(60)] (61) "Truck-tractor semitrailer-semitrailer", a  
14      combination vehicle in which the two trailing units are connected  
15      with a B-train assembly which is a rigid frame extension attached  
16      to the rear frame of a first semitrailer which allows for a  
17      fifth-wheel connection point for the second semitrailer and has  
18      one less articulation point than the conventional "A dolly"  
19      connected truck-tractor semitrailer-trailer combination;

20          [(61)] (62) "Truck-trailer boat transporter combination", a  
21      boat transporter combination consisting of a straight truck  
22      towing a trailer using typically a ball and socket connection  
23      with the trailer axle located substantially at the trailer center  
24      of gravity rather than the rear of the trailer but so as to  
25      maintain a downward force on the trailer tongue;

1           [(62)] (63) "Used parts dealer", a business that buys and  
2           sells used motor vehicle parts or accessories, but not including  
3           a business that sells only new, remanufactured or rebuilt parts.  
4           "Business" does not include isolated sales at a swap meet of less  
5           than three days;

6           [(63)] (64) "Vanpool", any van or other motor vehicle used  
7           or maintained by any person, group, firm, corporation,  
8           association, city, county or state agency, or any member thereof,  
9           for the transportation of not less than eight nor more than  
10          forty-eight employees, per motor vehicle, to and from their place  
11          of employment; however, a vanpool shall not be included in the  
12          definition of the term "bus" or "commercial motor vehicle" as  
13          defined by subdivisions (6) and (7) of this section, nor shall a  
14          vanpool driver be deemed a "chauffeur" as that term is defined by  
15          section 302.010, RSMo; nor shall use of a vanpool vehicle for  
16          ride-sharing arrangements, recreational, personal, or maintenance  
17          uses constitute an unlicensed use of the motor vehicle, unless  
18          used for monetary profit other than for use in a ride-sharing  
19          arrangement;

20          [(64)] (65) "Vehicle", any mechanical device on wheels,  
21          designed primarily for use, or used, on highways, except  
22          motorized bicycles, vehicles propelled or drawn by horses or  
23          human power, or vehicles used exclusively on fixed rails or  
24          tracks, or cotton trailers or motorized wheelchairs operated by  
25          handicapped persons;

1           [(65)] (66) "Wrecker" or "tow truck", any emergency  
2 commercial vehicle equipped, designed and used to assist or  
3 render aid and transport or tow disabled or wrecked vehicles from  
4 a highway, road, street or highway rights-of-way to a point of  
5 storage or repair, including towing a replacement vehicle to  
6 replace a disabled or wrecked vehicle;

7           [(66)] (67) "Wrecker or towing service", the act of  
8 transporting, towing or recovering with a wrecker, tow truck,  
9 rollback or car carrier any vehicle not owned by the operator of  
10 the wrecker, tow truck, rollback or car carrier for which the  
11 operator directly or indirectly receives compensation or other  
12 personal gain.

13           Section 1. When any transportation corporation or  
14 transportation district issues a request for proposals to  
15 finance, design, engineer, build, or in any way assist in  
16 developing or completing all or part of any highway project in  
17 this state where the completed project shall form a portion of  
18 the highway system for which the Missouri highway and  
19 transportation commission and the Missouri department of  
20 transportation are responsible, the following procedures shall  
21 apply:

22           (1) As part of the request for proposals, the  
23 transportation corporation or transportation district shall set a  
24 deadline for the filing of all responses. All proposals shall be  
25 required to be in writing. Such deadline shall apply to all

1 responsive proposals whether submitted by public or private  
2 entities, including any proposal by the Missouri department of  
3 transportation. Failure to present a proposal by such deadline  
4 shall bar any entity, public or private, including but not  
5 limited to the department, from thereafter making any proposal to  
6 the transportation corporation or transportation district,  
7 whether written or oral, to perform the services requested in the  
8 request for proposal;

9 (2) The department shall submit any proposal it may have in  
10 response to the request at the same time and subject to all of  
11 the same requirements as those imposed upon private organizations  
12 making such proposals;

13 (3) Any rules or requirements imposed upon and any benefits  
14 or concessions made available to the transportation corporation  
15 or transportation district by the commission or the department  
16 shall be applied or made available in the same manner and degree  
17 with regard to all competing proposals, including those made by  
18 the department. This shall include but not be limited to  
19 matching fund ratios required of the transportation corporation  
20 or transportation district;

21 (4) Any agreement entered into between the commission or  
22 the department and a transportation or transportation district  
23 after the date on which the bill containing this section was  
24 first introduced in either house of the general assembly which  
25 shall not have been arrived at in accordance with substantially

1 the same procedures as set forth in this section shall be void.  
2 In such cases, the transportation corporation or transportation  
3 district may issue a new request for proposal to be responded to  
4 and dealt with in accordance with the requirements of this  
5 section. The company or agency, public or private, which  
6 benefited from the initial failure to observe the procedures of  
7 this section shall be ineligible to respond to the new request  
8 for proposal.

9       Section B. Because immediate action is necessary to ensure  
10 just compensation for the restriction on loss of property rights  
11 for owners of real estate, the repeal and reenactment of section  
12 227.120 of section A of this act is deemed necessary for the  
13 immediate preservation of the public health, welfare, peace, and  
14 safety, and is hereby declared to be an emergency act within the  
15 meaning of the constitution, and the repeal and reenactment of  
16 section 227.120 of section A of this act shall be in full force  
17 and effect upon its passage and approval.